REMARKS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 1, 3, 4, 6-12, 14-16, 18, 19, 21-25, 27, 28, 30, and 32-35 are currently pending. Claims 1, 3, 10, 14, 16, 23, 25, 30, 32, 33, and 34 have been amended by the present amendment. The changes to the claims are supported by the originally filed specification and do not add new matter.

In the outstanding Office Action, Claims 25-28, 30, and 32-33 were rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter; and Claims 1-12, 14-19, 21-28, 30, and 32-35 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,108,782 to Fletcher et al. (hereinafter "the '782 patent") in view of U.S. Patent No. 6,430,613 to Brunet et al. (hereinafter "the '613 patent").

Applicants respectfully submit that the rejection of Claims 25-28, 30, 32, and 33 under 35 U.S.C. § 101 are rendered moot by the present amendment to Claim 25. Claim 25 has been amended to be directed to a non-carrier wave computer readable storage medium storing computer program code that, when executed by a computer, causes the computer to remotely monitor a monitored device connected to a first network with a remote monitoring computer connected to a second network. Accordingly, Applicants respectfully submit that Claim 1 is not directed to a program, but a statutory article of manufacture.

Amended Claim 1 is directed to a computer-implemented remote device monitoring system, comprising: (1) a local monitoring computer configured to collect status information from a monitored device connected to a first network using an SNMP protocol, and to send the status information to a remote monitoring computer connected to a second network via a wide area network using a protocol, the status information being obtained from sensors in the monitored device; and (2) the remote monitoring computer configured to receive the status

information using the protocol and to store the information in association with an IP address of the monitored device in a digital repository connected to the second network. Further, Claim 1 clarifies that the local monitoring computer is configured to automatically request the status information from the monitored device over the first network at predetermined intervals, without receiving any instructions from the remote monitoring computer requesting that the status information be collected from the monitored device. Further, Claim 1 clarifies that after initialization of the local monitoring computer, the local monitoring computer is configured to automatically send the collected status information to the remote monitoring computer, without receiving any instructions from the remote monitoring computer requesting that the collected status information be sent.

Applicants respectfully submit that the rejection of Claim 1 (and all associated dependent claims) is rendered moot by the present amendment to Claim 1.

Regarding the rejection of Claim 1 under 35 U.S.C. § 103(a), the Office Action asserts that the '782 patent discloses everything in Claim 1 with the exception of information being sent to the local monitoring computer via SNMP and that the local monitoring computer is configured to automatically send the information to the remote monitoring computer without receiving instructions from the remote monitoring computer, and relies on the '613 patent to remedy those deficiencies.

The '782 patent is directed to a method for the distributed collection of network statistics, including the steps of gathering network statistics at a plurality of nodes distributed in a network; transmitting data containing the statistics to a collector; combining the statistics from the plurality of nodes into group network statistics; and reporting the network performance data based on the compiled statistics from the collector to a network manager, wherein the multiple nodes respond to a multicast poll from the collector, but that flooding of the collector is prevented by having each node delay its response by a random value. As

shown in Figure 1, the '782 patent discloses a plurality of distributed remote network monitor (dRMON) agents that are software or software plus hardware components placed within a corresponding plurality of end stations (ESs). Further, the '782 patent discloses that, based on a polling packet from the collector, the dRMON agents forward their statistics and/or capture packets to the dRMON collector, which exists somewhere in the network. Further, the '782 patent discloses that the dRMON agents are implemented in the C programming language and consist of executable code that is launched each time an end station is started or rebooted, and that the end station user is unaware of the agent's presence and can do nothing with regard to reconfiguring the end station.

However, as admitted in the outstanding Office Action, the '782 patent fails to disclose a local monitoring computer configured to collect status information from a monitored device connected to a first network using an SNMP protocol. Further, Applicants respectfully submit that the '782 patent fails to disclose that the monitoring computer is configured to automatically request the status information from the monitored device over the first network at predetermined intervals, without receiving any instructions from the remote monitoring computer requesting that the status information be collected from the monitoring device, as recited in Claim 1. The '782 patent is silent regarding the dRMON agents collecting information from the monitored device at predetermined intervals.

The '613 patent is directed to a process and system for network and system management, wherein the process includes at least submanager (COACH) located between a main manager (AD) and equipment units of a local area network. As shown in Figure 1, the '613 patent discloses that each end terminal (ET) includes an agent. Further, the '613 patent discloses that the submanagers at the local network level include a kernel module N as well as a plurality of modules that communicate with the kernel module. Regarding the collecting of information from the terminal equipment, the '613 patent discloses that alarms may be sent

to the alarm filtering module (MFA) at the local submanager level, wherein the alarms are filtered before being sent to the main manager (AD).

However, Applicants respectfully submit that the '613 patent fails to disclose a local monitoring computer that is configured to automatically request status information from the monitored device over the first network at predetermined intervals without receiving any instructions from the remote monitoring computer requesting that the status information be collected from the monitoring device, as recited in amended Claim 1. Initially, Applicants note that the Office Action appears to rely on the submanagers shown in Figure 1 as the "local monitoring computer" recited in Claim 1. However, Applicants note that, in the primary '782 reference, the Office Action states that the dRMON agents that are resident in the end stations are the local monitoring computers recited in Claim 1. Thus, it is unclear to Applicants why the Office Action has relied on the agents disclosed by the '782 patent, which are resident on the end terminals, to be the local monitoring computer, but then does not rely on the agents that are also resident in the end terminals disclosed by the '613 patent, to be the local monitoring computer recited in the claims. For consistency, it appears that the Office Action should rely on the agents disclosed by the '613 patent to be the local monitoring computer recited in the claim. Since both the '782 and '613 patents disclose agents on end terminals, it is unclear to Applicants why the Office Action treats the '782 agent as a local monitoring device, but does not treat the '613 agent as the local monitoring device.

Nevertheless, using the assignment of the elements set forth in the Office Action, Applicants note that the '613 patent does not disclose that the submanagers shown in '613 Figure 1 are configured to automatically request status information from the end terminals over the first network at predetermined intervals, without receiving any instructions from the remote monitoring manager requesting that the status information be collected from the monitoring devices. Rather, the '613 patent merely discloses that the MFA module in the

submanager receives alarms sent by agents in the end terminal, and filters the alarms for sending to the main manager. The '613 patent is silent regarding requesting information at predetermined intervals from the monitored device over the network. Moreover, Applicants note that the alarms come from the agents, not from the monitored device, as required by Claim 1. The '613 patent does not disclose that the submanagers shown in Figure 1 request any information directly from the end terminals shown in '613 Figure 1.

Thus, no matter how the teachings of the '782 and '613 patents are combined, the combination does not teach or suggest a local monitoring computer that is configured to collect status information from a monitoring device connected to a first network using an SNMP protocol and is configured to automatically request the status information from the monitoring device over the first network at predetermined intervals, as recited in amended Claim 1. Accordingly, Applicants respectfully submit that amended Claim 1 (and all associated dependent claims) patentably defines over any proper combination of the '782 and '613 patents.

Independent Claim 16 recites that the collecting step comprises automatically requesting the status information from the monitored device over the first network at predetermined intervals, without receiving any instructions from the remote monitoring computer. Independent Claims 25 and 34 recited similar limitations. Accordingly, for the reasons stated above, Applicants respectfully submit that the rejections of Claims 16, 25, and 34 (and all associated dependent claims) are rendered moot by the present amendment to the independent claims.

Thus, it is respectfully submitted that independent Claims 1, 16, 25, and 34 (and all associated dependent claims) patentably define over any proper combination of the '782 and '613 patents.

Consequently, in view of the present amendment and in light of the above discussion, the outstanding grounds for rejection are believed to have been overcome. The application as amended herewith is believed to be in condition for formal allowance. An early and favorable action to that effect is respectfully requested.

Respectfully submitted,

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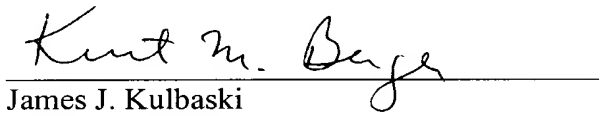

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